

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1150

United States of America,

Appellee,

v.

Oscar Reese,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: August 12, 2003

Filed: August 15, 2003

Before RILEY, HANSEN, and SMITH, Circuit Judges.

PER CURIAM.

Federal inmate Oscar Reese appeals the district court's¹ commitment order under 18 U.S.C. § 4245, which provides for the hospitalization of an imprisoned person suffering from a mental disease or defect, until treatment is no longer needed or the expiration of the inmate's sentence, whichever occurs first. Having carefully reviewed the record and Reese's arguments on appeal, we affirm the district court's findings, which are not clearly erroneous. See United States v. Eckerson, 299 F.3d

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendations of the Honorable Jonathan G. Lebedoff, United States Magistrate Judge for the District of Minnesota.

913, 914 (8th Cir. 2002) (per curiam) (standard of review). The Bureau of Prisons offered uncontradicted written reports and hearing testimony of the Rochester Federal Medical Center's Chief of Psychiatry, who had treated Reese extensively over a considerable period of time, and thereby met its burden of proof concerning Reese's need for treatment in a suitable facility. See 18 U.S.C. § 4245(d) (preponderance-of-evidence burden of proof).

We grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.